

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

TODD MICHAEL WIEDMEIER,

Civil No. 22-1391 (JRT/DJF)

Petitioner,

v.

B. EISCHEN,

**ORDER ON PETITION FOR WRIT OF
HABEAS CORPUS**

Respondent.

Todd Michael Wiedmeier, Reg. No. 17324-273, FPC Duluth, P.O. Box 1000, Duluth, MN 55814, a pro se petitioner;

Adam J. Hoskins and Ana H. Voss, **UNITED STATES ATTORNEY'S OFFICE**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, for respondent.

Petitioner Todd Michael Wiedmeier petitioned the Court for a writ of habeas corpus under 28 U.S.C. § 2241, alleging that the Bureau of Prisons ("BOP") violated the First Step Act by failing to apply his First Step Act time credits ("FTCs") to his sentence. (Pet. Habeas Corpus ¶ 13, May 23, 2022, Docket No. 1.) Magistrate Judge Dulce J. Foster issued a Report and Recommendation ("R&R") recommending the Court deny Wiedmeier's petition because he failed to exhaust his administrative remedies, his claims for relief are unripe, and he is not yet eligible for his FTCs to be applied to his sentence. (R. & R. at 2, Mar. 6, 2023, Docket No. 15.) Wiedmeier objected to the R&R and requested leave of court to respond to the BOP's calculation of his FTCs. (Pet.'s Resp. R. & R. at 1, Mar. 15, 2023, Docket No. 16; Letter to Magistrate Judge, Jan. 30, 2023, Docket No. 14.)

However, Wiedmeier has since filed a letter with the Court indicating that he has been awarded his FTCs and the issue raised in his petition has therefore been resolved. (Supplement to Petitioner's Resp. to R. & R., Apr. 12, 2023, Docket No. 18.) Accordingly, Wiedmeier's petition is now moot.

ORDER

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Petitioner's Objection to Report and Recommendation [Docket No. 16] is **OVERRULED**;
2. The Magistrate Judge's Report and Recommendation [Docket No. 15] is **ADOPTED**;
3. Petitioner's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 [Docket No. 1] is **DENIED**;
4. This action is **DISMISSED WITHOUT PREJUDICE**;¹ and
5. Petitioner's Request for Leave of Court [Docket No. 14] is **DENIED**.

¹ The Court will dismiss this petition without prejudice so that, if the issue arises again in the future, Wiedmeier may then again file a petition for the Court to consider.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: May 11, 2023
at Minneapolis, Minnesota.

John R. Tunheim
JOHN R. TUNHEIM
United States District Judge